

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4139-01
Bill No.: HB 1520
Subject: Law Enforcement Officers and Agencies; Criminal Procedure; Search and Seizure
Type: Original
Date: April 20, 2016

Bill Summary: This proposal creates provisions relating to racial profiling, searches and seizures, and traffic stops from law enforcement officers.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	(Could exceed \$110,692)	(Could exceed \$100,000)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue	(Could exceed \$110,692)	(Could exceed \$100,000)	(Could exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Office of the Director (DPS)** state they see a small fiscal impact relative to Section 542.289.2 relative to adopting a protocol requiring that peace officer supervisors review mobile video or audio tapes of motor vehicle stops on a random basis and Section 560.605 relative to the creation of a management awareness program, which DPS assumes they can absorb.

DPS - ITSD assumes programming to implement changes to Section 590.651 would require 142.56 hours of programming at \$75 per hour (contracted) for a cost of \$10,692 in FY 2017.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume the proposal would require modifications to their FatPot and AFR Reporting Systems:

Management Costs (30 hours @ \$56.68)	\$1,700
Analyst Costs (120 hours @ \$50.02)	<u>\$6,002</u>
TOTAL (costs to Highway Funds)	\$7,702

Oversight assumes the amount estimated by the MHP could be absorbed within existing appropriations.

Officials from the **Attorney General's Office (AGO)** state this bill requires the AGO to investigate incidents of "possible violation of section 542.288 concerning search and seizure procedures, nondiscrimination requirements, and mobile video or audio equipment use requirements" reported to the AGO by law enforcement agencies. It is not possible to predict the number of such referrals the AGO may receive in a given year. Therefore costs to AGO are unknown but could exceed \$100,000. If the number of referrals is substantial, the AGO may seek additional appropriations.

Officials from the **Department of Natural Resources (DNR)** state they would not anticipate a direct fiscal impact from the proposed legislation. DNR assumes the cost for the Missouri State Parks to print consent forms would be absorbed by current budget funds and the time needed to review reports would be managed by current staff time.

Officials from the **Missouri Department of Conservation (MDC)** assume an unknown negative impact on their agency, but likely less than \$100,000, due to requirements for training and printing of forms.

ASSUMPTION (continued)

Oversight will assume the MDC could absorb the cost from this proposal.

Officials from the **Department of Social Services - State Technical Assistance Team** assume the proposal would not fiscally impact their agency.

Officials from the **St. Louis County Police Department** state there would be a fiscal impact to the Department. Policy would have to be changed, resulting in the need for new training for all officers. There would be the cost of the new training class, the cost of sending all 835 officers to training, and the cost of overtime to fill beats while officers attended training. Along with this, the significant increase in paperwork and data collection required after every stop and seizure would have a fiscal impact. A new form would have to be created to include the necessary information required by this bill. For every traffic stop that resulted in a consensual search, the form would have to be completed and retained in evidence to accompany a mandatory written report to be completed by the officer. This bill would cause an increased amount of time on vehicle stops, report writing and checking, and evidence submission, evaluation, and inspection. This bill also increases the amount of information that must be logged on racial profiling forms and reported to the department for review. The new required information would have to be added to a form and analyzed by department personnel before being reported.

A new system tracking each individual officer would also have to be created in order to change designated service numbers to a confidential identification number that cannot be tracked by the public. All of these would have a fiscal impact to the Department. Finally, if the department of public safety created and implemented a system for tracking compliments, complaints, training, and lawsuits, there would be a fiscal impact. System implementation and training would take time from the Bureau of Professional Standards. Entering the relevant data would also take time. All of these aspects would have a fiscal impact on the Department, but the aspects are not things that can be estimated, therefore the exact fiscal impact is unknown.

Officials from the **Columbia Police Department (CPD)** state this would create fiscal impact in a few ways of which cannot accurately be calculated. This proposal would create an additional couple of steps beyond what is currently required by law. These steps would ultimately consume additional administrative time for our officers resulting in less available time. Also, the logging and record keeping of the proposed forms would result in additional work load for civilian staff. In 2014, CPD performed 1,172 vehicle searches where at 343 listed consent as the authority for the search. Our officers wear body cameras and have cameras in the patrol cars, both capture consent searches. A form would be an additional process on top of what is already captured on video.

ASSUMPTION (continued)

Officials from the **Boone County Sheriff's Department** state costs will be incurred in the development of policy/procedure for implementation of these requirements, as well as development of appropriate forms necessary to be compliant in reporting. Costs will additionally be incurred in hourly pay rates for the supervisors having mandated reviews of traffic stop information to include reports and video/audio recordings. It is unknown what the actual costs will be, however they will be ongoing, especially in terms of employee's time/hourly pay.

Officials from the **Platte County Sheriff's Department** state currently it is not possible to provide a detailed fiscal analyst for 2016, 2017 or 2018 for the proposed legislation. If enacted the Platte County Sheriff's Office anticipates increased expenses in the areas of personnel time, training time, form development and reproduction and creation of the officer identification system, all of which have fiscal impacts. The information required to be collected under the proposed legislation is broader than what is currently required under law and the information is not contained in the current forms utilized to report activity for racial profiling statistical purposes. The legislation would result in the Sheriff's Office needing to develop a new form and reproduce the form for deputy use. Presently the Sheriff's Office is unable to provide an exact figure for this added expense. Additionally, the Sheriff's Office would incur overtime expenses and training expenses of an undetermined amount to train all of its personnel on the new requirements proposed in the legislation. Finally, the bill places the responsibility of creating and maintaining an officer identification and tracking system on the part of the agency. While the cost of implementing such a system is unknown until development begins the Sheriff's Office anticipates additional expenses related to the implementation and maintenance of such a system.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
GENERAL REVENUE			
<u>Costs</u> - DPS - programming	(\$10,692)	\$0	\$0
<u>Costs</u> - AGO - investigations	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	(Could exceed <u>\$110,692</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)

FISCAL IMPACT - Local Government

FY 2017
(10 Mo.)

FY 2018

FY 2019

LOCAL LAW ENFORCEMENT

Costs - Police Departments and Sheriff's
Offices - to implement the provisions of
the bill regarding racial profiling,
searches and seizures and traffic stops

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT TO
LOCAL LAW ENFORCEMENT**

(Unknown)

(Unknown)

(Unknown)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

In order to search a vehicle or person inside a vehicle regarding an alleged violation of law or ordinance, this bill requires the peace officer to read a statement specified in the bill to a person with the authority to provide permission to search the vehicle or to the person who would be subject to the search. The peace officer may conduct the requested search only if the person subject to the search consents.

Every time a peace officer requests permission to conduct a search it must be documented in a written report with specific information contained in the bill.

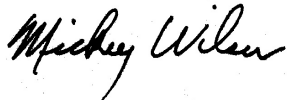
A peace officer must complete a report whenever the peace officer conducts a nonconsensual search of a motor vehicle. The report must contain certain information as specified in the bill.

The bill requires the reports, and any associated recordings, to be reviewed by the peace officer's supervisor within 14 days of the precipitating incident.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Attorney General's Office
Department of Natural Resources
Missouri Department of Conservation
Department of Social Services
Boone County Sheriff's Department
St. Louis County Police Department
Platte County Sheriff's Department
Columbia Police Department

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 20, 2016

Ross Strobe
Assistant Director
April 20, 2016